



6/25/2019

Dear Requestor,

The attached records are being provided by the Office of Regulatory Affairs (ORA), Office of Criminal Investigations (OCI), in response to your original request that went to the United States Postal Inspection Service (USPIS), and logged under Food and Drug Administration (FDA) FOIA number 2019-5577, regarding:

MIFEPRISTONE, MISOPROSTOL, RU-486, CYTOTEC, MISODEL

Your request is granted in part.

After a thorough review of the responsive records, we have determined that portions of the documents are exempt from disclosure under FOIA exemptions (b)(6) and (b)(7) of the FOIA 5 U.S.C. § 552, as amended and delineated below:

- Exemption (b)(6) permits the withholding of information which, if released, would constitute a clearly unwarranted invasion of personal privacy. In this case, it was determined that there is no countervailing public interest qualifying under the standard set forth, under exemption (b)(6), to release the personal identifying information of certain third parties.
- Exemption (b)(7) protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.

As stated above, this is OCIs portion of the USPIS request; USPIS will also be responding to you directly. OCI considers your request closed. If you have any questions about this response, you may contact Fran Seiner at 301-821-2089.



You have the right to appeal this determination. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be mailed within 90 days from the date of this response to:

Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201
Email: FOIARequest@PSC.hhs.gov

Please clearly mark both the envelope and your letter or email "FDA Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, please contact Fran Seiner. You may also contact the FDA Public Liaison for assistance at:

Office of the Executive Secretariat
U.S. Food & Drug Administration
5630 Fishers Lane
Room 1050
Rockville, MD 20857
Email: FDAFOIA@fda.hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
Phone: 202-741-5770
Toll-Free: 877-684-6448
Email: ogis@nara.gov

Please do not submit payment, this is for tracking purposes only.

Search = \$11.50; Review = \$34.50: Total = \$46.00

U.S. Food and Drug Administration
5630 Fishers Lane, Room 1035
Rockville, MD 20857
www.fda.gov



Sincerely,

Frances M. Seiner
OCI, FOIA Officer